

IDAHO STATE ELECTRICAL BOARD MEETING
May 11, 2006

MINUTES – APPROVED

Note: The following report is not intended to be a verbatim transcript of the discussions at the meeting, but is intended to record the significant features of those discussions.

The Idaho State Electrical Bureau held a regular board meeting at the Red Lion Canyon Springs Hotel, “Cedar/Juniper Conference Room”, located at 1357 Blue Lakes Blvd N., Twin Falls, Idaho on May 11, 2006. The meeting was called to order by Chairman Tom Brown at 7:37 a.m. Those attending were:

**ELECTRICAL
BOARD MEMBERS:**

Tom Brown, Chairman
Greg Ford, Vice Chairman
Al Frieze
Dale Pippitt
Chris Jensen
Lee Riley
Kreg Davis

**ELECTRICAL BOARD
MEMBERS ABSENT:**

Tim Phillips
Vacant – one position

DBS-STAFF MEMBERS:

Steve Keys, Deputy Administrator, Operations
Marsi Woody, Deputy Administrator, Administration
Gary Malmen, Electrical Bureau Chief
Kay Christensen, Deputy Attorney General
Jeff Fitzloff, Code Specialist/Outreach
Al Caine, Licensing Specialist
Louie Konkol, Financial Specialist
Lorraine Mallett, Administrative Assistant

VISITORS:

Scott King, Affordable Security
Howard Royal, Roberts Electric
Larry Wharton, State Electrical Inspector
Mark Swenson, Dad’s Telephone
Martin Shirley, Dad’s Telephone
Kim Birkhimer, Satcom Systems, Inc
Monty Henderson, Satcom Systems, Inc
Mike DeLacy, RME
Joe Andre, NEMA
Norm Bendsten, Bear River Electric
David Bendsten, Bear River Electric
Burton Waite, PTE
Michael Talley, Star Service Co
Bob Baird, City of Idaho Falls
Steve Woods, FM Electric
Lamont Gibson, State Electrical Inspector

Mark Norviel, Idaho State University
Jim Overholser, PC Plus
Kris Ellis, Idaho State Broadcasters
Sean Nelson, IBEW Local 291
Jerry Peterson, ID Building Trades
Warren Shill, Underwriters Laboratories
Ed Loughney, SW Idaho Electrical JATC
Kurt Krupp, Jr., IDeACOM ECSI
James R Weimer, Eastern ID JATC
Ginger McArthur, Electrical Wholesale
Richard Likes, L & F Electric Inc
Bob Scott, Quality Electric
Russell Hill, IBEW LU 449
Ted Sermon, Sermon Service & Electric
Steve Arsenault, Nuheat Industries
Dile Monson, Superintendent City of Burley

PRESENTATION BY TELECOMM COALITION

The Telecommunications Coalition, represented by James Overholser, PC Plus; and Mark Norviel, Idaho State University, gave a brief background on the telecommunications history and the industry. The Coalition provided the Board with a draft of legislation to regulate this industry. Following discussion, the Board and Coalition representatives agreed that additional conversations would be useful. The Board invited the Telecommunications Coalition to attend the August Electrical Board Meeting in Post Falls and the November meeting to be held in Nampa. In addition, it was recommended that the Coalition schedule additional meetings during the summer with one to be held in the Southeastern part of Idaho.

ACTION: Additional Telecommunications meetings will be scheduled for 7:30 a.m. on August and November Electrical Board Meeting agendas.

Following a brief recess, the regularly scheduled Electrical Board meeting reconvened at 8:42 a.m.

MINUTES

MOTION: Dale Pippitt made a motion to approve the minutes of February 16, 2006 as written. The motion was seconded by Greg Ford. Motion passed unanimously.

ADMINISTRATIVE APPEAL HEARINGS (CIVIL PENALTIES)

David Holm Bendtsen, Bear Lake Electric

On behalf of the Electrical Bureau, Al Caine assisted the Board in reviewing the materials in their packets (pages 9-28). Electrical Inspector LaMont Gibson testified about his observations of the projects. David Holm Bendtsen testified about the nature of the work and the problems encountered. Following questioning, the matter was taken under advisement by the Board.

Mel Speegle, Buckhorn Electric, Inc

Al Caine again assisted the Board in reviewing the file materials (pages 28-37). Mel Speegle testified on behalf of Buckhorn Electric. Following questioning by the Board, the matter was taken under advisement.

Matthew Downs, Downs Electric Inc.

Mr. Downs failed to appear to defend his appeal.

Todd Holbrook, Superior Electrical Contractors, Inc

Al Caine assisted the Board in reviewing the documents provided to the Board. On behalf of Superior electrical Contractors, Inc. Todd Holbrook testified as to his frustration with respect to the supervision law and suggested that there be a change to the ratio requirement. He also suggested that the Board consider auditing the payroll to enforce the ratio law. The Board took the matter under advisement.

ACTION: Board asked Bureau for future appeal scheduling to have all representatives scheduled early so agenda could be followed.

Administrator's Report

On behalf of John McAllister, Steve Keys, Deputy Administrator, Operations, told the Board that any DBS issues would be addressed under the appropriate topic of business in the agenda.

ELECTRICAL COMPLIANCE – N.O.V. LISTINGS & CIVIL PENALTIES

Al Caine reported on compliance issues and explained that the apparent increase in violations resulted from a more effective use of personnel and that he and Jeff Fitzloff had been making some checks. Jay

Storkson, who had written to the Board about compliance issues, was invited to attend the Electrical Board meeting to be held in Post Falls August 10, 2006.

QUALIFICATIONS FOR ELECTRICAL CONTRACTORS

Supervising Journeyman/Master Electrician

A discussion took place about the master electrician rule change that was pulled from discussion during the legislative session. Al Caine described the rule informed the Board there were approximately one hundred (100) industrial accounts and that it might be possible for the master electrician rule to proceed within the contractor requirements, exempting the industrial accounts. Consensus of board was to move forward with the master electrician legislation with public input positive and supportive.

MOTION: Chris Jensen moved the board initiate a negotiated rule making process to address extending the requirements for master electricians and that the dialogue to include discussions with affected industry groups. Motion was seconded by Kreg Davis and Lee Riley, motion passed unanimously.

PROPERTY OWNER PERFORMING ELECTRICAL WORK (IDAHO CODE 54-1016)

Gary Malmen explained problems that resulted because the existing rule for the Property Owner performing electrical work, IDAPA 07.01.01013, is not compatible with changes to the statute, Idaho Code 54-1016.

ACTION: Ms. Christensen to draft rule to address Idaho Code 54-1016 law and distribute it to the Board and Bureau before next Board Meeting in August.

CONTINUATION TRAINING

Dile Monson, Superintendent of Electrical Department for the City of Burley, Idaho, asked the board to consider making a separate status for helpers to electricians. He explained that he would register people (lineman) as apprentices and they would typically do 10-100 man-hours a year assisting a licensed electrician and said that the continuation training rule that goes into effect July 2006 impedes his ability to get extra assistance because most of these people have no plan to go forward with training or schooling because they already have a career as a lineman. At the conclusion of a discussion about the ramifications of creating an additional licensure or registration category for non-journeyman electricians (life long apprentices), the Board asked the Bureau to research how other states address this situation. Audience consensus was against establishing a new category.

ACTION: Al Caine to research other states' methods of addressing apprenticeship and helper status/licenses.

ELECTRICAL RADIANT HEATING MAT INSTALLATIONS (NUHEAT)

Steve Arsenault gave a presentation about electrical radiant heating mat installations (NUHEAT). He came to the board to ask for a solution (referencing Washington State WAC rules) regarding the installation of this product. Instead of an electrician, letting tile setters install the mats. Board asked questions on product and it was established the product make up required installation by a journeyman electrician. After extensive discussion the board came to the conclusion that coordination between the tile setter and electrician was issue on installation problems, that there would be no change in policy for this pre-fabricated product. Steve Arsenault thanked the board for their time and consideration in this matter.

SECURING & SUPPORTING ELECTRICAL RACEWAYS UNDER MANUFACTURED HOMES

In the absence of Chuck Taylor, Jeff Fitzloff talked about the methods for securing and supporting electrical raceways under manufactured homes. He referred the Board to an Electrical News Brief article on the subject and indicated that the Bureau suggests the article as a resource. A question arose as to the

potential liability that DBS might face if problems arose, but Mr. Fitzloff replied that it was the Bureau responsibility to help people bring their work into compliance.

ADMINISTRATIVE RULES REVIEW

Steve Keys talked about the legislative approval process with respect to the electrical administrative rules dockets. He reported that dockets **07-0102-0501 (Fee Rule) Rules Governing Fees for Electrical Inspections** (small job work permit), **07-0104-0501 Rules Governing Electrical Specialty Licensing** (*Effluent pumps*), and **07-0106-0501 Use of National Electrical Code**, had been approved and were in effect. He also reported that docket **07-0104-0502 Rules Governing Limited Energy (Communications)** rejected by the legislature at DBS' request and explained the objections that had been received from the communication industry. Finally, he reported that docket **07-0101-0501 Rules Governing Electrical Inspection Tags** had been vacated.

LEGISLATION 2006

Steve Keys then discussed the results of the recently concluded legislative session. He reported that the following bills had passed and would become effective on July 1, 2006:

1. **House Bill NO.548** creating an inactive licensure category for contractors.
2. **House Bill NO.549** gives the board the power to institute staggered licensing for the electrical contractors, apprentices and specialties (journeyman licenses have already been established with staggering renewal dates). This bill requires a rule from the board establishing the guidelines. Bureau would like to submit several draft proposals for the board to consider at the August Board Meeting. Board agreed to have bureau submit draft proposals for the August Board Meeting.
3. **House Bill NO.554** housecleaning some of the language/verbiage of the Division of Building Safety administrative duties.

ACTION: Bureau to submit draft proposals for rules (HB 549) for the August Board Meeting.

Two bills potentially impacting the electrical industry did not pass: **House Bill NO.553** which intended to establish the Electrical, Heating, Ventilation, and Air Conditioning (HVAC), and Plumbing Boards as curriculum approvers for all required schooling and **House Bill NO.761a** establishing a contractor requirement for bonding in addition to liability insurance and workers compensation.

On behalf of administrator McAllister, Mr. Keys asked the Electrical Board to take a formal position on whether it would support a bond requirement for a contractor's license. The Board members discussed the request, expressing the opinions that bonding was an unnecessary cost, doesn't serve the public in any way is so rarely used, that liability insurance covers this area, and that there was no value to bond.

MOTION: Chris Jensen moved that the board go on record as not in favor of House Bill NO.761. Motion was seconded, motion passed unanimously.

Mr. Keys also reported that the two appropriations bills had passed the legislature. They were **Senate Bill NO. 1305** the supplemental appropriations Division of Building Safety asked for to finish out the fiscal year 06 and **Senate Bill NO. 1434 Appropriations Division of Building Safety** Budget for fiscal year 07. In response to questioning, Mr. Keys indicated that the requested compliance officers had been denied.

Following discussion, the Board concluded that until industry actively supports the request, it is likely that the legislature will continue to deny additional officers.

LUNCH

The board meeting was adjourned for lunch at 12:15p.m. Chairman Brown called the Electrical Board meeting to order at 1:20p.m.

LEGISLATION, continued. The Board discussion on compliance officers continued and went into the electrical inspector's cost of living. JFAC has mandated a report on the Minnesota contractual inspection program from the Division of Building Safety.

ELECTRICAL BUREAU FISCAL REPORTS

Marsi Woody presented the Electrical Bureau Fiscal report. She observed that revenues for the month of April were down from previous months and pointed out where the reports reflected the increase of fuel costs. She noted that below market wages for electrical inspectors were having a negative impact on hiring possibilities and reported that the Division is working with DHR on the wage under market value. Marsi spoke briefly about the Budget Request for the fiscal year 2007.

ELECTRICAL APPRENTICESHIP PROGRAM

Curriculum Competency Review

Al Caine briefly explained the Curriculum Competency Review that was submitted at the February 16, 2006 Electrical Board Meeting and asked the board to endorse the process. Alternatively, the federal standards contained in the Electrical Construction Occupations Handbook Volume One were proposed for curriculum competency review standards.

MOTION: Greg Ford moved to combine the two competencies', moved to adopt the Electrical Construction Occupations Handbook, Volume One and the Electrical Apprenticeship Competencies Identified January 2006 years 1-4 from the tact meeting put forth. Al Frieze seconded the motion.

Motion FAILED.

MOTION: Kreg Davis moved to adopt the Electrical Construction Occupations Handbook, Volume One pages 30-59 only. Chris Jensen seconded the motion. Vote on motion: Aye: Four

Nay: Two

Motion passed.

Standards for Apprentices

Chairman Tom Brown addressed the experience standards for apprentices. He recommended addition additional definition to terms such as "144 hours" and "8000" hours. He asked that this topic be placed on the agenda of the August Board.

ACTION: Tom Brown to submit a draft of other apprentice standards with more definition/clarification.

ELECTRICAL LICENSING EXAMINATIONS

Al Caine reviewed the results of the last 15 years of electrical licensing examinations with the old examination and the first three months of this year with ICC examination results. The pass rate looks to be equivalent to the past years. Greg Ford asked the bureau for a breakdown of percentages on apprentices test results.

ACTION: Bureau to supply breakdown of percentages on electrical exam summary.

ELECTRICAL REGIONS/SUPERVISORS

Gary Malmen explained that the Bureau was moving from three regions to four regions with four supervisors to provide a more efficient work force for the electrical inspectors and industry.

OLD BUSINESS

Appeals:

1. Bear Lake Electric. Following discussion, Greg Ford moved to affirm the civil penalty as assessed.

MOTION: By Ford to affirm the civil penalty; seconded by Kreg Davis. Motion passed.

ACTION: Order on appeal to be drafted, notifying Bear Lake Electric of decision.

2. Buckhorn Electric, Inc. appeal. Following discussion, Chris Jensen moved to affirm the civil penalty as assessed.

MOTION: By Jensen to affirm the civil penalty; seconded by Lee Riley. Motion passed.

ACTION: Order on appeal to be drafted, notifying Buckhorn Electric, Inc. of decision.

3. Superior Electrical Contractors, Inc. Following discussion, Greg Ford moved to affirm the civil penalty as assessed.

MOTION: By Ford to affirm civil penalty; seconded by Dale Pippitt Motion passed.

ACTION: Order on appeal to be drafted, notifying Superior Electrical Contractors, Inc. of decision.

4. Downs Electric, Inc. Order on appeal to be drafted, notifying Downs Electric that the appeal was denied.

ACTION: Order on appeal to be drafted, notifying Downs Electric, Inc. of decision.

MULTI STATE RECIPROCAL LICENSING MEETING

The Multi State Licensing Meeting will be held Utah and Idaho is requested to attend. The meeting will be July 31, 2006 and August 1, 2006. Greg Ford and Lee Riley volunteered to attend.

TWO YEAR RESIDENTIAL APPRENTICE.

Gary Malmen discussed a request (letter submitted by Gary Baker) for creation of a two (2) year residential apprentice license. Discussion followed, centering on the need to address compliance before pursuing the two (2) year residential. Consensus of board was that more industry input was needed.

ACTION: Put on Agenda for August 11, 2006 and invite Gary Baker to attend to discuss two (2) year residential license. Al Caine will research other states on rules of residential and get information out to Board members within the next couple of weeks.

NEW BUSINESS

Chairman Tom Brown stated that he met with John McAllister, Administrator DBS and received assurance that the Bureau will have the board minutes transcribed within 30 days after the meeting. He also discussed the need for the Electrical Board Agenda, to be posted as soon as possible with changes made as they occur.

Kay Christensen was asked to provide training on Board roles and responsibilities.

ACTION: Board members will meet an hour before dinner on August 9, 2006 in Post Falls, Idaho. Accommodations for this meeting will be in board packet.

ADJOURNMENT: Greg Ford moved to adjourn, seconded by Chris Jensen. Motion carried. Meeting adjourned at 3:14 pm.

John A. McAllister, Administrator
Division of Building Safety

DATE

Steve Keys
Deputy Administrator, Operations

DATE

Tom Brown, Chairman
State of Idaho Electrical Board

DATE